
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations, which apply in relation to Wales, further amend the Miscellaneous Food Additives Regulations 1995 (S.I.No.1995/3187) as already amended and implement Directive 2003/114 of the European Parliament and of the Council amending Directive 95/2/EC on food additives other than colours and sweeteners (OJ No. L24, 29.1.2004, p.58).

2. These Regulations amend the Miscellaneous Food Additives Regulations 1995 in relation to Wales by —

- (a) inserting a definition of flavouring, as the Regulations now apply to control the use of miscellaneous additives in flavourings (regulation 3 (a) and (c));
- (b) bringing up to date the definition of “Directive 95/2/EC” to cover the amendment of that Directive by Directive 2003/114/EC (regulation 3(b));
- (c) substituting a new definition for the term “stabiliser” to include substances which increase the binding capacity of food (regulation 3 (d));
- (d) making an amendment to regulation 4 to ensure that a flavouring which lawfully has in or on it a permitted miscellaneous additive can be used as an ingredient in a compound food (regulation 4);
- (e) providing that where a permitted miscellaneous additive used in a flavouring performs a technological function in the final food in which that flavouring is an ingredient, it is to be regarded as an additive of the final food (regulation 5);
- (f) prohibiting the use of additives in quantities greater than the minimum necessary, or in circumstances where they would be a hazard to human health or misleading to the consumer (regulation 5);
- (g) making transitional provision to allow the marketing of additives marketed or labelled before 27 January 2006, which are lawful under existing rules (regulation 6);
- (h) permitting standardisation of E407a, in addition to E407 and E440 with sugars, provided this is stated in addition to the number and designation of the additive (regulation 7(a));
- (i) substituting “calcium carbonate” as the name for E170 (regulations 7(b), 13(b) and 14(b));
- (j) adding to the acceptable names for E466, E468 and E469 (regulations 7(c) and (d) and 12(a));
- (k) permitting a new additive, E907 to be used as a glazing agent in sugar confectionery and dried fruit (regulation 11(j));
- (l) substituting new definitions of food categories in which permitted miscellaneous additives may be used (regulations 8(a) and 10(b));
- (m) prohibiting the use of E230 as a permitted preservative for surface treatment of citrus fruits (regulation 9(a));
- (n) extending food categories in which permitted miscellaneous additives can be used (regulations 8(b)(i), 9(b), 11(d), 13(a) and (c)-(f), 14(d));
- (o) prohibiting the use of phosphates in cider and perry (regulation 11(a) (ii));
- (p) providing numerical limits to restrict the use of E903 (regulation 11(h) — (i));

Status: This is the original version (as it was originally made).

- (q) making provision for the restricted use of additives in flavourings (regulation 8(b)(ii), 10(a), 11(a)(i), (b) — (c), (e) — (g) and (k));
- (r) inserting a definition of spice oleoresins in Schedule 3 (regulation 11(l));
- (s) permitting a new carrier solvent, E555 to be used in certain specified colours (regulation 12(b));
- (t) clarifying the extent to which E1450 may be carried over into formulae and weaning foods for infants (regulation 14(a));
- (u) bringing up to date the title of Part 4 of Schedule 8 to take account of Commission Directive [1999/21/EC](#) on dietary foods for special medical purposes (OJ No.L91, 7.4.1999, p.29) (regulation 14 (c)).

3. A regulatory appraisal on the effect these Regulations have on business costs has been prepared pursuant to section 65 of the Government of Wales Act 1998 and placed in the library of the National Assembly for Wales, together with a transposition note setting out how the main elements of the Directives [2003/95/EC](#) and [2003/45/EC](#) are transposed into domestic law. Copies may be obtained from the Food Standards Agency, 11th Floor, Southgate House, Cardiff CF10 1EW.